

Pepper Hamilton LLP Attorney Docket No.:

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter claimed and for which a patent is sought on the invention entitled, **METHOD AND APPARATUS FOR THE CONTINUOUS PERFORMANCE MONITORING OF A LEAD ACID BATTERY SYSTEM** the specification of which

☒ [X] is attached hereto ☐ [] was filed on as Application Serial No. and was amended on (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is known to me to be material to patentability in accordance with Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT international application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s):		Priority Claimed		
<u>Number</u>	<u>Country</u>	<u>Day/Month/Year filed</u>	<u>Yes</u>	<u>No</u>
2,242,497	Canada	19 AUGUST 1998	X	

I hereby authorize the U. S. attorneys and agents named herein to accept and follow instructions from as to any actions to be taken in the Patent and Trademark Office regarding this application without direct communication between the U. S. attorney(s) and the undersigned. In the event of a change in the person(s) from whom instructions may be taken, the U. S. attorney(s) will be so notified by the undersigned.

I hereby claim the benefit under 35 USC §119(e) of any United States provisional application(s) listed below.

Prior Provisional Application(s):	
<u>Application Number</u>	<u>Filing Date</u>

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s), or Section 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U. S. Application(s):		
<u>Serial No.</u>	<u>Filing Date</u>	<u>Status: Patented, Pending, Abandoned</u>

EV332525762

I hereby declare that all statements made herein of my own knowledge are true and that all statements of information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.

I hereby appoint the following attorney(s) and/or agent(s): Gilberto M. Villacorta, Reg. No. 34,038; Irah H. Donner, Reg. No. 35,120, Hourli Khalilian, Reg. No. 39,546, and Suresh Koshy, Reg No. 42,761 all of

PEPPER HAMILTON LLP
1300 Nineteenth Street, N.W.
Washington, D.C. 20036

with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and all future correspondence should be addressed to them.

Full name of sole inventor: Robert ZACCARIA

Inventor's signature:

Date:

Residence: 69 3rd Ave., Domaine C.L.C., St-Lin, Quebec, Canada J0R 1C0

September 18, 1998

Citizenship: CANADIAN

Post Office Address:

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

**POWER OF ATTORNEY BY ASSIGNEE OF
ENTIRE INTEREST (REVOCATION OF PRIOR
POWERS AND APPOINTMENT OF NEW POWER)**

Docket Number:

12601/1

Application No.
To Be Assigned

Filing Date
Herewith

Examiner
**To Be
Assigned**

Art Unit
To Be Assigned

Invention Title
**METHOD AND APPARATUS FOR THE CONTINUOUS
PERFORMANCE MONITORING OF A LEAD ACID BATTERY
SYSTEM**

Inventor(s)
Robert ZACCARIA

ENERSAFE, INC., as Assignee of the entire right, title and interest in and to the above-identified application hereby revokes all powers of attorney previously given and hereby appoints the following attorneys and/or agents to prosecute and transact all business in the United States Patent and Trademark office connected therewith:

**George E. Badenoch (Reg. No. 25, 825)
Clifford A. Ulrich (Reg. No. 42,194)**

A Certificate Under 37 C.F.R. § 3.73(b) is filed herewith.

SEND CORRESPONDENCE, AND DIRECT TELEPHONE CALLS TO:

**George E. Badenoch, Esq.
KENYON & KENYON
One Broadway
New York, New York 10004
CUSTOMER NO. 26646**



26646

PATENT TRADEMARK OFFICE

The undersigned, whose title is supplied below, is authorized to act on behalf of the assignee.

**ENERSAFE, INC.
2100 62nd Avenue North, Suite B
St. Petersburg, Florida 33702**

Date:

7/18/03

By:

Edward D. Wirth, Jr.

Name:

Edward D. Wirth, Jr.

Title:

CEO + President



JUL 07 2003

JULY 02, 2003

PTAS

Under Secretary of Commerce For Intellectual Property and
Director of the United States Patent and Trademark Office
Washington, DC 20231
www.uspto.gov

PEPPER HAMILTON LLP
JAMES M. SINGER
500 GRANT STRET, 50TH FLOOR
PITTSBURGH, PA 15219



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UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 02/20/2003

REEL/FRAME: 013770/0273

NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

ENERSAFE TECHNOLOGIES INC.

DOC DATE: 02/04/2003

ASSIGNEE:

ENERSAFE, INC.
2100 62ND AVENUE NORTH
SUITE B
ST. PETERSBURG, FLORIDA 33702

SERIAL NUMBER: 09159497

FILING DATE: 09/23/1998

PATENT NUMBER:

ISSUE DATE:

DIANE RUSSELE, PARALEGAL
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

2202 U.S. PTO
10/626019
07/24/03

02-25-2003

Form PTO-1595 (Rev. 10/02) RE

U.S. DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office

OMB No. 0651-0027 (exp. 6/30/2005)

Tab settings

102371840

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

<p>1. Name of conveying party(ies):</p> <p>Enersafe Technologies Inc.</p> <p style="text-align: center;">2.20.03</p> <p>Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>3. Nature of conveyance:</p> <p><input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger</p> <p><input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name</p> <p><input type="checkbox"/> Other _____</p> <p>Execution Date: February 4, 2003</p>	<p>2. Name and address of receiving party(ies)</p> <p>Name: Enersafe, Inc.</p> <p>Internal Address: _____</p> <p>Street Address: 2100 62nd Avenue North</p> <p>Suite B</p> <p>City: St. Petersburg State: FL Zip: 33702</p> <p>Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>4. Application number(s) or patent number(s):</p> <p>If this document is being filed together with a new application, the execution date of the application is: _____</p> <p>A. Patent Application No.(s)</p> <p>09/159,487</p> <p>B. Patent No.(s)</p> <p>Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>5. Name and address of party to whom correspondence concerning document should be mailed:</p> <p>Name: James M. Singer</p> <p>Internal Address: Pepper Hamilton LLP</p> <p>Street Address: 500 Grant Street, 50th Floor</p> <p>City: Pittsburgh State: PA Zip: 15219</p>	<p>6. Total number of applications and patents involved: 1</p> <p>7. Total fee (37 CFR 3.41).....\$ 40.00</p> <p><input checked="" type="checkbox"/> Enclosed</p> <p><input type="checkbox"/> Authorized to be charged to deposit account</p> <p>8. Deposit account number:</p> <p>500436</p> <p>(Attach duplicate copy of this page if paying by deposit account)</p>
<p>9. Statement and signature.</p> <p>To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.</p> <p>James M. Singer Reg. No. 45,111</p> <p>Name of Person Signing</p> <p style="text-align: center;">Signature</p> <p style="text-align: right;">2-13-03</p> <p style="text-align: right;">Date</p> <p>Total number of pages including cover sheet, attachments, and documents: 3</p> <p style="text-align: center;">DO NOT USE THIS SPACE</p>	

Mail documents to be recorded with required cover sheet information to:
Commissioner of Patents & Trademarks, Box Assignments
Washington, D.C. 20231

22002 U.S. PTO
10/626019
07/24/03

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MONTREAL, CANADA

WORLDWIDE
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ASSIGNMENT

WHEREAS the undersigned **ENERSAFE TECHNOLOGIES INC.** of P.O. Box 19, Site 24 RR12, Calgary, Alberta, CANADA, T3H 1A6, by virtue of an assignment duly recorded in the United States Patent and Trademark Office, has acquired all right, title and interest in the United States, Canada and all other countries in and to the invention entitled

**METHOD AND APPARATUS FOR THE CONTINUOUS
PERFORMANCE MONITORING OF A LEAD ACID
BATTERY SYSTEM**

applications for which were filed under serial number 09/159,497 on September 23, 1998 in the UNITED STATES and under serial number 2,242,497 on August 19, 1998 in CANADA, and

WHEREAS **ENERSAFE, INC.** of 2100, 62nd Avenue North, Suite B, St. Petersburg, Florida 33702, UNITED STATES is desirous of acquiring all right, title and interest in and to said invention described and claimed in the above referred applications for the United States, Canada and all other countries:

THEREFORE, in consideration of the sum of one dollar (\$ 1.00) paid to the undersigned by **ENERSAFE, INC.** the receipt of which is hereby acknowledged, and other good and valuable consideration, the undersigned does hereby sell and assign to the said **ENERSAFE, INC.** all its right, title and interest in and to said invention described and claimed in the above referred applications and eventual patents when granted therefor and does hereby authorize and request the Commissioners of Patents to issue the said patents to the said **ENERSAFE, INC.** in accordance with this assignment.

(see overleaf)

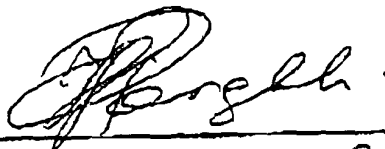
Page 2

SIGNED at Montreal Quebec, Canada

this 2th day of February 2003.

ENERSAFE TECHNOLOGIES INC.

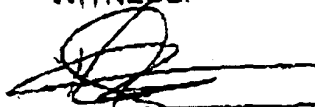
by



Full name: WOSCIECH FOREBSKI

Title: PRESIDENT

WITNESS:



Full name: LOUIS-PIERRE GOSSILLE